

- (4) A statement of the issues of fact which any party contends remain to be litigated.

**Defendants' Issues of Fact**

Defendants contend, as per their motion for summary judgment, that there are no material issues of fact in this case. Should the Court deny summary judgment, Defendants believe the following issues of fact will need to be litigated:

1. Whether Defendant Mellon Trust discharged Plaintiff from her employment for legitimate non-discriminatory and non-retaliatory reasons.
2. Whether Plaintiff suffered any damages and, if so, the amount.
3. Whether Plaintiff acted reasonably to mitigate her alleged damages.